

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FUNICULAR FUNDS, LP, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

PIONEER MERGER CORP., PIONEER
MERGER SPONSOR LLC, JONATHAN
CHRISTODORO, RICK GERSON, OSCAR
SALAZAR, RYAN KHOURY, SCOTT
CARPENTER, MATTHEW COREY,
MITCHELL CAPLAN, and TODD DAVIS,

Defendants.

Civil Action No. 22-10986-JSR

**NOTICE OF MOTION FOR CLASS
CERTIFICATION AND APPOINTMENT
OF CLASS REPRESENTATIVE AND
CLASS COUNSEL**

PLEASE TAKE NOTICE that, upon the attached Declaration of Aaron T. Morris, dated September 27, 2023, and the accompanying Memorandum of Law, Plaintiff Funicular Funds, LP (“Plaintiff”) moves this Court pursuant to Rule 23 of the Federal Rules of Civil Procedure for an Order:

(i) certifying this action as a class action pursuant to Fed. R. Civ. P. 23(a) and (b)(1), (2) and (3) on behalf of the following proposed Class:

All persons who held Class A Public Shares of Pioneer as of the redemption date of January 13, 2023 whose shares were redeemed, including their legal representatives, heirs, successors-in-interest, transferees, and assignees of all such holders, but excluding (i) Defendants in this action; (ii) any person who is, or was at the time of the redemption, a trustee, officer, director, or partner of Pioneer Merger Sponsor LLC, Alpha Wave Global, LP, Patriot Global Management, LP, or their affiliates; (iii) the immediate family members of any of the foregoing; (iv) the legal representatives, heirs, successors-in-interest, successors, transferees, and assigns of the foregoing; and (v) any trusts, estates, entities, or accounts that held Pioneer Class A Public Shares for the benefit of any of the foregoing.

(ii) appointing Plaintiff as Class Representative with Morris Kandinov LLP and AFN Law, PLLC as Class Counsel.

Dated: September 27, 2023

Respectfully submitted,

By: /s/ Aaron T. Morris

MORRIS KANDINOV LLP

Aaron T. Morris (#5675178)
Andrew W. Robertson (#4288882)
305 Broadway, 7th Floor
New York, NY 10007
(212) 431-7473
aaron@moka.law
andrew@moka.law

AFN LAW, PLLC

Angus F. Ni (#5208673)
506 2nd Ave., Suite 1400
Seattle, WA 98104
(646) 453-7294
angus@afnlegal.com

Attorneys for Plaintiff